

COMPLAINT INVESTIGATION PROCESS DESCRIPTION SAN LUIS OBISPO COUNTY PROBATION DEPARTMENT

In accordance with State law, the Probation Department will investigate complaints made against its personnel. In the case of peace officer personnel, the provisions of Government Code sections 3300-3311 shall apply to citizen complaint investigations. Citizen complaints are to be made on a Department form provided for that purpose. All materials related to a complaint are deemed confidential and will be maintained for a five (5) year period. Complaints that are considered not legitimate will not be investigated.

When a citizen complaint is received, it will first be referred to the subject person's immediate supervisor. If the supervisor determines that the conduct outlined in the complaint would, if true, constitute misconduct, that person will request that the citizen file a formal complaint.

All complaints are referred to the Assistant Chief Probation Officer. If that person determines the complaint is legitimate, the complaint is forwarded to the appropriate Division Manager who in turn will assign a supervisor to conduct an inquiry into the complaint.

The employee who is the subject of a complaint will be provided with a copy of the completed complaint form at the onset of the inquiry. The supervisor assigned to conduct the inquiry will contact the citizen who made the complaint to gather any additional information. He or she may review any relevant documentation, interview any witnesses, interview involved Department employees, and consider any other evidence. The investigation will focus on discerning facts and cannot rely on conjecture or unsubstantiated allegations. The supervisor who conducted the inquiry will forward any findings to the supervisor of the subject employee and the Division Manager for that employee. They will then make a preliminary recommendation for disposition and forward the complaint and their recommendation to the Chief Probation Officer for consultation. The Division Manager will then make a final determination. The final determination shall be one of the following:

1. Unfounded – conduct did not occur.
2. Unfounded – actions were justified.
3. Investigation non-conclusive.
4. Investigation supports allegations – not willful misconduct.
5. Investigation supports allegations – willful misconduct.
6. Other

The matter will then be forwarded to the Assistant Chief Probation Officer and then to the Chief Probation Officer.

Investigations are to be completed within thirty (30) days from the date the complaint was received. In unusual circumstances, the Department may utilize "third party" reviewers to assist in conducting an investigation.